

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

WILLIAM J. WINDHAM and )  
GWENDOLYN JOYCE WINDHAM, )  
                               )  
Plaintiffs,                 )  
                               )      CASE NO. 3:05 CV-472-M  
v.                             )  
                               )  
B. W. CAPPS & SONS, INC., )  
                               )  
Defendant.                 )

**JOINT MOTION TO AMEND SCHEDULING ORDER**

COME NOW, the parties in the above-captioned action and request this Court to allow the parties to file an amended scheduling order. Counsel for the Plaintiffs, N. Kirkland Pope and David C. Rayfield of the former firm of Pope and Rayfield have merged their firm with the firm of Pope, McGlamry, Kilpatrick, Morrison and Norwood, LLP. As a result of the merger, Mr. Pope and Mr. Rayfield can no longer act as lead counsel.

At the request of former lead counsel for Plaintiffs, James A. Balli has agreed to undertake the representation of the Plaintiffs as lead counsel in this matter. Mr. Balli has forwarded an Entry of Appearance as lead counsel dated February 15, 2006. In the interest of adequately protecting all parties' interests, the parties hereby request that the Court allow an amended scheduling order to be filed extending the time limits set forth in the original Order by 120 days.

If the Court is inclined to grant the Motion, counsel for the Defendant and Plaintiffs will submit an amended scheduling order upon notification of the Court's approval.

This 7th day of March, 2006.

SAMS, LARKIN & HUFF, LLP

/S/

By: \_\_\_\_\_  
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/S/ by express permission

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